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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IMMIGRANT LEGAL RESOURCE CENTER;
EAST BAY SANCTUARY COVENANT;
COALITION FOR HUMANE IMMIGRANT
RIGHTS; CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INTERNATIONAL
RESCUE COMMITTEE; ONEAMERICA;
ASIAN COUNSELING AND REFERRAL
SERVICE; ILLINOIS COALITION FOR
IMMIGRANT AND REFUGEE RIGHTS,

Plaintiffs,

v.

CHAD F. WOLF, *under the title of Acting
Secretary of Homeland Security*; U.S. DEPARTMENT
OF HOMELAND SECURITY; KENNETH T.
CUCCINELLI, *under the title of Senior Official
Performing the Duties of the Deputy Secretary of Homeland
Security*; U.S. CITIZENSHIP & IMMIGRATION
SERVICES

Defendants.

Case No. 4:20-cv-05883-JSW

**PLAINTIFFS' RESPONSE TO REQUEST
FROM THE COURT DURING
SEPTEMBER 25, 2020 HEARING**

Assigned to Hon. Jeffrey S. White

Date: September 25, 2020
Time: 9:00 a.m.
Courtroom: 5, 2nd Floor

JURY TRIAL DEMANDED

1 Plaintiffs understand the Court's instructions today to be a request for a list of forms Plaintiffs
2 use in providing services as described in their declarations.¹ Plaintiffs' declarations describe
3 substantively the populations Plaintiffs serve and the services they provide, including:

- 4 • Asylees. *See, e.g.* Byrne Decl. ¶ 4; Byun Decl. ¶ 21; Chenoweth Decl. ¶ 25; Smith Decl. ¶
5 4; Salas Decl. ¶ 4.
- 6 • Asylum Applicants. *See, e.g.*, Byrne Decl. ¶ 4; Byun Decl. ¶¶ 13, 16; Chenoweth Decl. ¶
7 24; Smith Decl. ¶4; Rodgers Decl. ¶ 16; Salas Decl. ¶¶ 4, 33.
- 8 • Employment Authorization. *See, e.g.*, Byrne Decl. ¶ 35; Byun Decl. ¶ 18; Chenoweth
9 Decl. ¶ 50; Smith Decl. ¶ 20; Salas Decl. ¶ 4.
- 10 • Family Reunification. *See, e.g.*, Byrne Decl. ¶ 6; Byun Decl. ¶ 4; Chenoweth Decl. ¶ 26;
11 Rodgers Decl. ¶ 16; Salas Decl. ¶ 4
- 12 • Lawful Permanent Residency. *See, e.g.*, Byrne Decl. ¶ 6; Byun Decl. ¶¶ 5, 6, 13, 19, 20;
13 Chenoweth Decl. ¶ 3; Smith Decl. ¶¶ 4, 20
- 14 • Nicaraguan Adjustment and Central American Relief Act. *See, e.g.*, Chenoweth Decl. ¶ 3.
- 15 • Naturalization. *See, e.g.*, Benito Decl. ¶ 6; Byrne Decl. ¶ 6; Byun Decl. ¶¶ 3, 13, 24, 25, 27;
16 Chenoweth Decl. ¶ 42; Smith Decl. ¶ 4; Rodgers Decl. ¶19; Salas Decl. ¶¶ 4, 31; Stolz
17 Decl. ¶ 7.
- 18 • Removal Defense. *See, e.g.*, Byrne Decl. ¶ 8; Chenoweth Decl. ¶ 6; Rodgers Decl. 26.
- 19 • Special Immigrant Juvenile Status. *See, e.g.*, Smith Decl. ¶ 4; Rodgers Decl. ¶ 26.
- 20 • T Visa Applications. *See, e.g.*, Byun Decl. ¶ 13; Chenoweth Decl. ¶ 3; Smith Decl. ¶ 4;
21 Rodgers Decl. ¶ 11.
- 22 • Temporary Protected Status. *See, e.g.*, Smith Decl. ¶ 4.
- 23 • U Visa Applications. *See, e.g.*, Byun Decl. ¶ 13; Chenoweth Decl. ¶ 3; Smith Decl. ¶ 4;
24 Rodgers Decl. ¶ 11; Salas Decl. ¶¶ 17, 34.
- 25 • Violence Against Women Act Self-Petitioners. *See, e.g.*, Byun Decl. ¶¶ 13, 15; Chenoweth
26 Decl. ¶ 7; Smith Decl. ¶ 32; Rodgers Decl. ¶ 11; Salas Decl. ¶ 17.

27 Plaintiffs' ability to provide these services is irreparably harmed by not only changes to fees that apply to
28 specific forms but also policies not directly reflected in the individual forms themselves. These include:

¹ Plaintiffs understand that the Court does not wish Plaintiffs to provide argument about why the unlawful aspects of the rule are related to all of these forms at issue; if Plaintiffs misunderstand the Court's request, Plaintiffs respectfully ask that the Court accept any supplemental materials Plaintiffs may need to submit in order to provide a complete response.

- Changes to Currently Available Fee Exemptions. *See, e.g.* Byun Decl. ¶ 14; Chenoweth Decl. ¶ 27; Smith Decl. ¶ 17; Salas Decl. ¶ 34.
- Changes to Currently Available Fee Waivers and Reduced Fees. *See, e.g.*, Benito Decl. ¶ 27; Byrne Decl. ¶ 27; Byun Decl. ¶¶ 3, 9, 14, 22, 25; Chenoweth Decl. ¶ 27; Smith Decl. ¶ 17; Rodgers Decl. ¶ 26; Salas Decl. ¶¶ 14, 34; Stolz Decl. ¶ 25.
- Changes to Eligibility for Fee Waivers. *See, e.g.*, Byun Decl. ¶¶ 9, 15, 22, 25; Smith Decl. ¶¶ 17-18; Rodgers Decl. ¶ 26; Salas Decl. ¶ 34.
- Unbundling of Fees. *See, e.g.*, Byrne Decl. ¶ 33; Salas Decl. ¶ 16; Stolz Decl. ¶ 27.

A list of specific forms Plaintiffs submit in connection with the services they provide follows:

Form Number and Title	Service or Population Category
I-102 Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	Lawful permanent residence (to prove lawful entry)
I-129F Petition for Alien Fiance´(e)	Family unification
I-130 Petition for Alien Relative (online filing)	Family unification
I-130 Petition for Alien Relative (paper filing)	Family unification
I-131 Application for Travel Document	VAWA, T visa, U visa, SIJ, TPS
I-131 Refugee Travel Document for an individual age 16 or older	Refugee, Asylee
I-131 Refugee Travel Document for a child under the age of 16	Refugee, Asylee
I-131A Application for Travel Document (Carrier Documentation)	Lawful permanent residence (to return to US)
I-192 Application for Advance Permission to Enter as Nonimmigrant (CBP)	T visa, U visa
I-192 Application for Advance Permission to Enter as Nonimmigrant (USCIS)	T visa, U visa
I-193 Application for Waiver of Passport and/or Visa	T visa, U visa
I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	VAWA, SIJ
I-290B Notice of Appeal or Motion	VAWA, T visa, U visa, SIJ, asylee

Form Number and Title	Service or Population Category
	(concerning I-730 petitions)
I-360 Petition for Amerasian, Widow(er), or Special Immigrant	VAWA, SIJ
I-485 Application to Register Permanent Residence or Adjust Status	Lawful permanent residency, VAWA, T visa, U visa, SIJ, asylee
I-539 Application to Extend/Change Nonimmigrant Status (online filing)	T visa, U visa
I-539 Application to Extend/Change Nonimmigrant Status (paper filing)	T visa, U visa
I-589 Application for Asylum and for Withholding of Removal	Asylum applicant
I-601 Application for Waiver of Ground of Excludability	Lawful permanent residence, family unification, VAWA, T visa, TPS, SIJ
I-601A Provisional Unlawful Presence Waiver	Lawful permanent residence, family unification
I-687 Application for Status as a Temporary Resident	Lawful permanent residence
I-690 Application for Waiver of Grounds of Inadmissibility	Lawful permanent residence
I-751 Petition to Remove Conditions on Residence	Lawful permanent residency, VAWA
I-765 Application for Employment Authorization (Non-DACA)	VAWA, T visa, U visa, SIJ, asylee, asylum applicant, TPS
I-765 Application for Employment Authorization (DACA only)	DACA
I-817 Application for Family Unity Benefits	Family unification
I-824 Application for Action on an Approved Application or Petition	Asylum, T, U derivatives of approved principal
I-881 Application for Suspension of Deportation or Special Rule Cancellation of Removal	NACARA, VAWA
I-912 Fee Waiver Request ²	All categories

² This form is not included in Table 1 of the Final Rule, but it is substantially revised by the Final Rule.

Form Number and Title	Service or Population Category
I-929 Petition for Qualifying Family Member of a U-1 Nonimmigrant	U visas
I-942 Reduced Fee for Naturalization ³	Naturalization
N-300 Application to File Declaration of Intention	Naturalization
N-336 Request for Hearing on a Decision in Naturalization Proceedings (online filing)	Naturalization
N-336 Request for Hearing on a Decision in Naturalization Proceedings (paper filing)	Naturalization
N-400 Application for Naturalization (online filing)	Naturalization, VAWA, T visa, U visa, SIJ, asylee, refugee
N-400 Application for Naturalization (paper filing)	Naturalization, VAWA, T visa, U visa, SIJ, asylee, refugee
N-470 Application to Preserve Residence for Naturalization Purposes	Naturalization
N-565 Application for Replacement Naturalization/Citizenship Document (online filing)	Naturalization
N-565 Application for Replacement Naturalization/Citizenship Document (paper filing)	Naturalization
N-600 Application for Certificate of Citizenship (online filing)	Naturalization, VAWA, T visa, U visa, SIJ, asylee, refugee
N-600 Application for Certificate of Citizenship (paper filing)	Naturalization, VAWA, T visa, U visa, SIJ, asylee, refugee
N-600K Application for Citizenship and Issuance of Certificate (online filing)	Naturalization, T visa, U visa, SIJ
N-600K Application for Citizenship and Issuance of Certificate (paper filing)	Naturalization, T visa, U visa, SIJ
Biometric Services (Non-DACA)	TPS, asylum applicant
Biometric Services (DACA only)	DACA

³ The Final Rule eliminates this form. It is not included in Table 1.

1 Dated: September 25, 2020.

Respectfully submitted,

2
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